APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,442	10/31/2001	Mike Sheldon	MFCP.81059	2397

45809   7590   02/18/2005
SHOOK, HARDY & BACON L.L.P. 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613

EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 October 2004</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9 and 11-14* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9 and 11-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3-9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

patent #6,473,102 (Rodden et al), in view of US patent #6,581,020 (Buote et al).

- As for claims 1, 6, 7: Rodden et al (herein Rodden) teach a computer implemented

method and corresponding system for displaying a graphical window on a display screen

having a screen resolution, comprising the steps/means for:

determining, for the window, whether a display size and display screen position are

specified for the window (1:58-59, 2:14-17, 4:32-42), and

if the size and position are specified, rendering the window at the specified size and

position so that the window is not automatically maximized (1:59 – 2:11. See also

description of figure 4),

if the size and position are not specified, determining the screen resolution for the display

screen,

automatically and inversely changing the size of a display window responsive to

changing the screen resolution (1:22-28; 3:62-66),

Rodden fails to clearly teach the comparing the screen resolution against a pre-determined threshold value; and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value. However, in the same field of window layout, Buote et al teach the comparing screen resolution against a pre-determined threshold value and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value (Buote's 11:15-21). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Buote's teaching to Rodden for automatically maximizing the window at a predetermined resolution threshold. Motivation of the combining is to predefine the window size to avoid the lost of information (i.e., the window become larger than the display screen). The steps/means for determining the screen resolution for the display screen is inherently included in Boute's teaching of resolution threshold.

- As for claim 3. Per Rodden, the user may control the size and position of selected windows so that the windows will not be automatically maximized due to the change in resolution (1:28-31; 4:32-42).

- As for claim 5: Per Boute, the predetermined threshold value is 800 pixels by 600 pixels (11:15-21).

- As for claims 4, 11: It is inherently included in Rodden's teaching of window that the window include a sizing button for reducing (thus restoring) the size of the window by a pre-determined amount. Even if it is not, Official notice is taken that implementation of

the window sizing button is well known, and would have been obvious to one of skill in
the art for controlling the size of the window.

- As for claims 8, 12-14: Rodden et al (herein Rodden) teach a computer implemented
method and corresponding system for displaying a graphical window on a display screen
having a screen resolution, comprising the steps/means for:

determining, for the window, whether a display size and display screen position are
specified for the window (1:58-59, 2:14-17, 4:32-42), and

if the size and position are specified, rendering the window at the specified size and
position so that the window is not automatically maximized (1:59 – 2:11. See also
description of figure 4),

if the size and position are not specified, determining the screen resolution for the display
screen,

automatically and inversely changing the size of a display window responsive to
changing the screen resolution (1:22-28; 3:62-66).

Rodden fails to clearly teach the comparing the screen resolution against a pre-
determined threshold value; and automatically maximizing the size of the window on the
display screen if the screen resolution is below the pre-determined threshold value.
However, in the same field of window layout, Buote et al teach the comparing screen
resolution against a pre-determined threshold value and automatically maximizing the
size of the window on the display screen if the screen resolution is below the pre-
determined threshold value (Buote's 11:15-21). It would have been obvious to one of
skill in the art, at the time the invention was made, to combine Buote's teaching to

Rodden for automatically maximizing the window at a predetermined resolution

threshold. Motivation of the combining is to predefine the window size to avoid the lost

of information (i.e., the window become larger than the display screen). The steps/means

for determining the screen resolution for the display screen is inherently included in

Boute's teaching of resolution threshold. Per Rodden, the user may control the size and

position of selected windows so that the windows will not be automatically maximized

due to the change in resolution (1:28-31; 4:32-42).

- As for claim 9: It is inherently included in Rodden that the creating step is performed

through an application programming interface call, and wherein said determining step is

performed by monitoring the application programming interface call (3:25-39).

3.   Claims 1, 3-9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

patent application publication 2003/0076340 (Hatori et al), in view of US patent #6,581,020

(Buote et al).

- As for claims 1, 6, 7: Hatori et al (herein Hatori) teach a computer implemented

method and corresponding system for displaying a graphical window on a display screen

having a screen resolution, comprising the steps/means for:

determining, for the window, whether a display size and display screen position are

specified for the window (0009-0013, 0039, 0043), and

if the size and position are specified, rendering the window at the specified size and

position so that the window is not automatically maximized (0038, 0079-0081),

if the size and position are not specified, determining the screen resolution for the display

screen,

automatically and inversely changing the size of a display window responsive to

changing the screen resolution (0005-0008, 0040),

Hatori fails to clearly teach the comparing the screen resolution against a pre-determined

threshold value; and automatically maximizing the size of the window on the display

screen if the screen resolution is below the pre-determined threshold value. However, in

the same field of window layout, Buote et al teach the comparing screen resolution

against a pre-determined threshold value and automatically maximizing the size of the

window on the display screen if the screen resolution is below the pre-determined

threshold value (Buote's 11:15-21). It would have been obvious to one of skill in the art,

at the time the invention was made, to combine Buote's teaching to Hatori for

automatically maximizing the window at a predetermined resolution threshold.

Motivation of the combining is to predefine the window size to avoid the lost of

information (i.e., the window become larger than the display screen). The steps/means

for determining the screen resolution for the display screen is inherently included in

Boute's teaching of resolution threshold.

- As for claim 3. Per Hatori, the user may control the size and position of selected

windows so that the windows will not be automatically maximized due to the change in

resolution (0009-0013, 0039, 0043).

- As for claim 5: Per Boute, the predetermined threshold value is 800 pixels by 600

pixels (11:15-21).

- As for claims 4, 11: The size of the window can be restored responsive to a user touch input (0081). It is noted that Hatori teaches a touch input rather than a button as recited. However implementation of a restored button is well known and would have been obvious to one of skill in the art. Furthermore, It is inherently included in Hatori's teaching of window that the window includes a sizing button for reducing (thus restoring) the size of the window by a pre-determined amount. Even if it is not, Official notice is taken that implementation of the window sizing button is well known, and would have been obvious to one of skill in the art for controlling the size of the window.

- As for claims 8, 12-14: Hatori et al (herein Hatori) teach a computer implemented method and corresponding system for displaying a graphical window on a display screen having a screen resolution, comprising the steps/means for:

determining, for the window, whether a display size and display screen position are specified for the window (0009-0013, 0039, 0043), and

if the size and position are specified, rendering the window at the specified size and position so that the window is not automatically maximized (0038, 0079-0081),

if the size and position are not specified, determining the screen resolution for the display screen,

automatically and inversely changing the size of a display window responsive to changing the screen resolution (0005-0008, 0040).

Hatori fails to clearly teach the comparing the screen resolution against a pre-determined threshold value; and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value. However, in

the same field of window layout, Buote et al teach the comparing screen resolution against a pre-determined threshold value and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value (Buote's 11:15-21). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Buote's teaching to Hatori for automatically maximizing the window at a predetermined resolution threshold. Motivation of the combining is to predefine the window size to avoid the lost of information (i.e., the window become larger than the display screen). The steps/means for determining the screen resolution for the display screen is inherently included in Boute's teaching of resolution threshold. Per Hatori, the user may control the size and position of selected windows so that the windows will not be automatically maximized due to the change in resolution (0009-0013, 0039, 0043).

- As for claim 9: It is inherently included in Hatori that the creating step is performed through an application programming interface call, and wherein said determining step is performed by monitoring the application programming interface call (0044-0047).

Response to Arguments

Applicant's arguments filed 10/29/04 have been fully considered but they are not persuasive.

REMARKS:

In response to the argument that Rodden does not teach the step determining the size and position of a window is specified, the limitation is disclosed in 1:58-59, 4:32-47 wherein the user

may selectively specifies certain windows to be displayed at specified size and position after resolution change.

In response to the argument that the combined Rodden and Buote do not teach the comparing the current resolution with a threshold resolution, this limitation is disclosed by Buote in 11:15-21. The determination of current resolution is inherently included in the comparing step. Buote as combined with Rodden allows the selectively retaining and maximizing windows responsive to resolution change.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The

examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
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2/17/05